



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

STATE OF UTAH DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,
JERRY D. OLDS
STATE ENGINEER,

Claimant

v.

Vance & Connie Marshall

Respondent.

ORDER TO CEASE & DESIST:
UNLAWFUL DIVERSION OF WATER

No. SEAA1057

Water Right Nos. 71-1667, 71-1779

TO: Vance & Connie Marshall:

On December 31, 2003 the State of Utah, Division of Water Rights (State Engineer) sent to Vance & Connie Marshall a notice of Agency Action: Illegal Use of Water to determine whether Vance & Connie Marshall had exceeded the irrigation acre limitations as set forth in the water rights listed above.

Based upon consideration of the alleged facts in the Notice of Agency Action and no additional factual evidence being provided to the Division of Water Rights pursuant to that Notice of Agency Action.

The following facts are established:

1. A comparison of aerial photography, field inspection data, and the updated water rights map showed that during 2003 Vance & Connie Marshall irrigated 22.62 acres more than allowed by the above listed water rights.
2. A follow-up field inspection conducted during the 2004 irrigation season in comparison with the updated water rights map showed that Vance & Connie Marshall irrigated 22.62 acres more than allowed by the above reference water rights.
3. The estimated dollar value of the irrigation without a water right (22.62 acres) is \$33,930.00.

The State Engineer, having duly considered, the evidence and decided the issues, hereby
ORDERS:

1. Vance & Connie Marshall shall cease the irrigation of 22.62 acres that are in excess of the irrigated lands described in the water rights referenced above.
2. This ORDER shall remain in effect until a reduction in irrigated acreage occurs or until arrangements are made and the necessary applications approved by the State Engineer for sufficient water rights to bring the irrigated area into compliance.

Respondents may file a written request for reconsideration of this Judgment and Order. The request must state the specific facts and reasons for the request. The request must be filed with the Presiding Officer, Jerry D. Olds, State Engineer, Utah Division of Water Rights, P. O. Box 146300, Salt Lake City, Utah 84114-6300, within 20 days of the date that this Judgment and Order is issued. If no order granting or denying reconsideration is issued within 20 days of receipt of the request, the request shall be considered denied in accordance with Utah Code Ann. § 63-46b-13(3)(b).

Respondents may file a Complaint for judicial review with the appropriate court within 30 days of the date this Judgment of Order is issued, or an Order on Reconsideration is issued or is considered to have been issued under Utah Code Ann. § 63-46b-13(3)(b). A copy of the Complaint, if any, should be served upon the State Engineer in accordance with the provisions of Utah Code Ann. § 63-46b-1

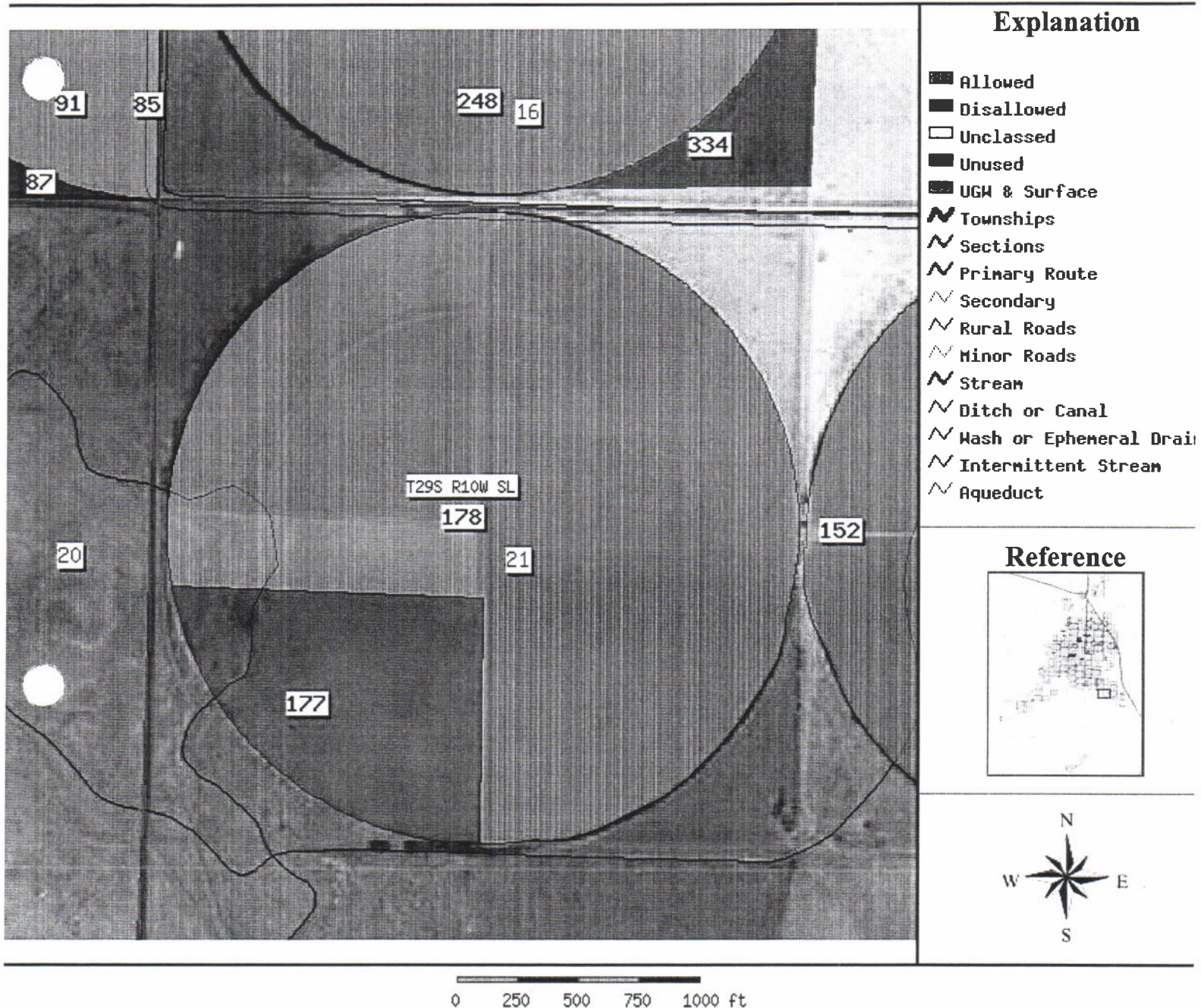
Dated this 11 day of January, 2005



Lee H. Sim, P.E.
Assistant State Engineer
Presiding Officer
For
Jerry Olds, P.E.
State Engineer

cc: Kerry Carpenter, Regional Engineer
Heather Shilton, Assistant Attorney General
LaVar Davis, Water Commissioner

Utah Division of Water Rights



ID	Owner Name	Water Right Number	Acres	Status
177	Vance & Connie Marshall	No Water Rights	22.62	Disallowed
178	Vance & Connie Marshall	71-1667 71-1779	99.88	Allowed